

ORDINANCE NO. 091406-01

AN ORDINANCE REPEALING ARTICLE IV, SECTION 3 ENTITLED "SIGN REGULATIONS" IN THE COMPREHENSIVE ZONING ORDINANCE AND CITY ORDINANCE NO. 042506 AND ENACTING AN ORDINANCE ENTITLED "SIGNS AND BILLBOARDS" TO BE LOCATED IN CHAPTER 1 OF THE CODE OF ORDINANCES; PROVIDING FOR THE REGULATION, INSTALLATION, AND MAINTENANCE OF SIGNS WITHIN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION ("ETJ") OF THE CITY OF LA VERNIA; PROVIDING FOR DEFINITIONS, EXEMPTIONS, LOCATIONS, AND SIZE AND HEIGHT RESTRICTIONS; REQUIRING PERMITS; PROHIBITING CERTAIN TYPES OF SIGNS; PROVIDING A MEANS FOR VARIANCES THERETO; PROVIDING A REPEALING SECTION; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of La Vernia seeks to provide for the orderly development of land and use of property within its corporate limits and extraterritorial jurisdiction ("ETJ"); and

WHEREAS, the City Council seeks to maintain the value of the City of La Vernia's scenic and natural resources, which are the keystones of the City's economic strength and quality of life, through a comprehensive regulatory program that includes land use and development ordinances regulating signs; and

WHEREAS, the City Council finds that improperly constructed and poorly maintained signs are safety hazards that constitute a public health risk and can devalue adjacent properties; and

WHEREAS, the City Council finds that certain signs overwhelm the public, unduly distract and confuse motorists by diverting attention away from the roadway, and result in safety threats to vehicular and pedestrian traffic; and

WHEREAS, the City Council finds that certain signs constitute aesthetic harm by cluttering the rural landscape and highway corridors and adversely affecting the naturally scenic views and native environment; and

WHEREAS, the City Council finds that certain signs may conceal or obstruct windows, doors, or significant architectural features or details of buildings; and

WHEREAS, the City Council finds that properly constructed and maintained signs create a pleasing environment for residents, visitors, shoppers, and the entire community; and

WHEREAS, the City Council finds it to be in the best interest of the public safety, health, and general welfare to regulate the construction, design, repair, demolition, maintenance, and use of signs so as to preserve the quality of life for the City of La Vernia's residents, visitors, and property owners, maintain the public rights-of-way, prevent threats to public safety, prevent traffic hazards, restrict signs that unduly interfere with scenic views and constitute a public nuisance, and deter signs that are detrimental to property values; and

WHEREAS, the City Council finds it to be in the best interest of the public to regulate signs so as to promote roadway and pedestrian safety, encourage effective communication with the public, improve the appearance of the City of La Vernia, uphold the principles of free speech, including commercial speech, and enhance the community's small town character and county living atmosphere while preserving the authentic cultural heritage of the area within the boundaries of the City of La Vernia; and

WHEREAS, the City Council is authorized to regulate signs by virtue of the Texas Constitution, the City of La Vernia's police power, and Texas Local Government Code Chapter 216; and

WHEREAS, it is the desire of the City Council to have this Signs and Billboards Ordinance as a stand alone ordinance and new chapter in our Code of Ordinances and to repeal the previous sign regulations from the City's Comprehensive Zoning Ordinance; and

WHEREAS, the City Council finds that durational limitations on certain sign displays is necessary based upon the particular type of event referenced by the sign regardless of content of the sign; and

WHEREAS, the City Council held two workshops on the amendment of this ordinance; and

WHEREAS, the City Council held two public hearings on the amendment of this ordinance; and

WHEREAS, the City of La Vernia's Code Enforcement Officer compiled a photographic inventory of all visible signs within the City of La Vernia's municipal limits and extraterritorial jurisdiction which the City Council considered; and

WHEREAS, the City Council recognizes that studies have been performed in other municipalities, including the City of Houston, which found a positive correlation between the proliferation of signs along a roadway and the accident rate at the same location, that billboards are an added distractions to motorists, that billboards cause visual pollution, and that a reduction in the number of off-premise billboards enhances the aesthetic appearance of the community and traffic safety. The City Council hereby adopts these findings.

NOW THEREFORE: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA VERNIA, TEXAS:

SIGNS AND BILLBOARDS

SECTION 1. REPEAL.

This Ordinance repeals Article IV, Section 3 of the Comprehensive Zoning Ordinance for the City of La Vernia entitled "Sign Regulations" and Ordinance No. 042506.

SECTION 2. RELATION TO OTHER ORDINANCES.

This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance. This ordinance is specifically subordinate to any ordinance or regulations of the City of La Vernia pertaining to building and construction safety or to pedestrian and traffic safety.

SECTION 3. EFFECTIVE DATE.

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION 4. SAVINGS CLAUSE.

The repeal or amendment of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue or as affecting any rights of the City of La Vernia under any section or provisions of any ordinances in effect at the time of passage of this ordinance.

SECTION 5. CUMULATIVE.

The provisions of this ordinance shall be cumulative of all ordinances not repealed by this ordinance and ordinances governing or regulating the same subject matter as that covered herein. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

SECTION 6. SEVERABILITY.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance be severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared invalid by judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance and the remainder of this ordinance shall be enforced as written.

SECTION 7. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

SECTION 8. PURPOSE.

The purpose of this Ordinance is to provide uniform sign standards and regulations in order to ensure public safety, efficient communication and promote a positive city image reflecting order, harmony, and pride, thereby strengthening the economic stability of the City of La Vernia's business, cultural, historical, and residential areas as follows:

A. Public Safety: To promote the safety of persons and property by ensuring that signs do not:

1. Create a hazard due to collapse, fire, decay, or abandonment;
2. Obstruct firefighting or police surveillance; or
3. Create traffic hazards by confusing, distracting, or obstructing the view of pedestrians or vehicles.

B. Efficient Communications: To promote the efficient transfer of information in sign messages by ensuring:

1. Those signs which provide public safety messages and information are given priority;
2. Businesses and services may identify themselves;
3. Customers and other persons may locate businesses or services;
4. No person or group is arbitrarily denied the use of sight lines from public rights-of-way for communication purposes;
5. Persons exposed to signs are not overwhelmed by the number of messages presented and are able to exercise freedom of choice to observe or ignore such messages according to the observer's purpose; and
6. The right of free speech exercised through the reasonable use of signs is preserved.

C. Landscape quality and preservation: To protect the public welfare and enhance the appearance and economic value of the landscape by ensuring that signs:

1. Do not interfere with scenic views;
2. Do not create a nuisance to persons using public rights-of-way;
3. Do not create a nuisance to occupants of adjacent and contiguous property by their brightness, size, height, or movement;
4. Are not detrimental to land or property values;
5. Do not contribute to visual blight or clutter; and
6. Are architecturally compatible and harmonious with the structure to which they pertain and to neighboring structures.

SECTION 9. GENERAL.

No person may construct, reconstruct, place, install, relocate, alter, or use a sign after the effective date of this ordinance unless such installation, construction, reconstruction, placement, relocation, alteration, or use meets all the provisions of this and all other applicable ordinances adopted by the City Council of the City of La Vernia.

SECTION 10. JURISDICTION.

The provisions of this ordinance shall apply within the city limits and ETJ of the City of La Vernia, as defined by state law.

SECTION 11. DEFINITIONS.

Words and phrases used in this ordinance shall have the meanings set forth in this section. Other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. Headings and captions are for reference purposes only and shall not be used in the interpretation of this ordinance. In the event of conflicting regulations or definitions thereupon, the stricter definition or regulation shall apply.

ABANDONED/OBSOLETE SIGN – A sign that advertises a product, service, or business no longer available or in operation or not being maintained for a certain period of time as hereinafter described in this ordinance.

A-FRAME – An A-framed style sign, which is typically but not necessarily foldable or collapsible and meant to be easily moved

AREA –

1. The entire sign surface within a single contiguous perimeter, excluding support structures. A sign structure with two faces back-to-back, oriented in opposite directions and separated by not more than three feet, with the same copy on both sides, shall be counted as a single sign.
2. In cases where a sign is composed only of letters, figures, or other characters, the dimensions used to compute the area are the smallest simple imaginary figure (circle, triangle, rectangle, or other) which fully contains the sign content.

AUXILIARY SIGN – Provides information such as hours of operation, delivery instructions, credit cards accepted restrictions of sale to minors, “no soliciting,” or “beware of dog.”

BANNER – Any sign intended to be hung either with or without frames, possessing colors, characters, letters, illustrations, or ornamentation applied to paper, plastic, fabric, or netting of any kind, supported by wire, rope, webbing, or similar means or through the grommets of the sign.

BEACONS – Includes any light with a beam directed into the atmosphere or directed at a point which is not on the same property as the light source, or a light with one or more beams that move.

BILLBOARDS – Means all off-premises signs containing at least two hundred square feet face area and owned by a person, corporation or other entity that engages in the business of selling the advertising space on the sign.

CHANGEABLE COPY SIGN – A sign, or part of a sign, on which content can be changed or rearranged without altering the face or surface of the sign, including but not limited to, a theater marquee or a gasoline price sign.

CITY OF LA VERNIA, LA VERNIA, OR CITY – The City of La Vernia, Wilson County, Texas, an incorporated municipality and its associated ETJ.

CODE ENFORCEMENT OFFICER (CEO) – The person or persons appointed by the Mayor to enforce City codes and this ordinance.

COMMERCIAL COMPLEX – Any property such as a shopping center, office park, or industrial park, which consists of two or more establishments on a single platted lot, or which is designed, developed, and managed as a unit.

COMMUNITY SERVICE SIGN – A sign which solicits support for or participation in a nonprofit, non-political, community, public, social event, or activity.

DAILY DISPLAY/PROMOTIONAL SIGNS – Non-permanent signs relating to the business conducted on the premises.

EVENT SIGNS, OFF-SITE – Signs giving directions to an occasional event at another location, other than a business event at an establishment, such as directions to a civic or other noncommercial ceremony, to an event for the members of an organization, or to an event at a residence such as a garage sale or private party.

EVENT SIGNS, ON-SITE – A sign which is placed to advertise or mark the location of an occasional event on the same site, other than a business event, at an establishment, such as a civic or other non-commercial ceremony, an event for the members of an organization, or private party.

FLAG/PATRIOTIC – National, state, church, school flags, or any other flag that constitutes protected non-commercial free speech. A fabric sheet attached at one end to a pole, cable, or rope.

FLASHING SIGN – Message boards that are electronically controlled by intermittent light impulses or alternating panels consisting of letters, words, or numerals that can either change sequentially or travel across the display area. Other than time and temperature signs, emergency signs, school zone signs, or other governmental signs.

FREESTANDING SIGN – Any sign not attached to or part of a building. Including, but not limited to, monument signs and self-supported signs.

HEIGHT/GROUND CLEARANCE – The distance from ground level to the bottom of the sign structure, exclusive of structural supports. The ground level is the lower of: (1) the existing grade prior to construction of the sign; or (2) the newly-established grade after construction, unless the curb elevation at the street in front of the sign is higher than the established ground level, in which case the height shall be measured from curb level.

HEIGHT/MAXIMUM - The distance from ground level to the top of the sign structure. The ground level is the lower of: (1) the existing grade prior to construction of the sign; or (2) the newly-established grade after construction, unless the curb elevation at the street in front of the sign is higher than the established ground level, in which case the height shall be measured from curb level.

HISTORIC SIGN – A sign that is an integral part of the historical character of a landmark building or historic district.

HOLIDAY SIGN – A temporary display or decoration customarily associated with any national, state, local, or religious holiday or celebration.

HOME OCCUPATION SIGNS – Signs that advertise for a business that is operated in a home located in a residential zone.

ILLUMINATED SIGN – Any sign illuminated in any manner by an artificial light source of any kind, either detached from the sign or a part thereof. Signs that are only incidentally and indirectly illuminated as a result of a lighting plan primarily designed as security lighting or landscape lighting are not illuminated signs.

MONUMENT SIGN – A sign which is mounted on a base at least as wide as the sign. The opening between the base and the sign must be no greater than two inches.

MOVING SIGN – Any sign or part of a sign which is animated or moves.

NON-CONFORMING SIGNS – Signs which have been installed prior to the effective date of this ordinance are in use as of the effective date of this ordinance, and which do not conform to this ordinance.

OFF-PREMISE SIGN – A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.

ON-PREMISE SIGN – A sign identifying or advertising a business, person, or activity that is installed and maintained on the same premises as the business, person, or activity.

POLITICAL SIGN – Signs which by their content support or oppose any candidate for public office or any proposition to be voted upon at an election or which make a political or ideological statement in the nature of constitutionally-protected non-commercial free speech.

PORTABLE CHANGEABLE COPY SIGN – A transportable sign whether on attached wheels or otherwise, of durable construction, skids, legs, or framing, including trailers and searchlights, the principal intent of which is for advertising or promotional purposes, and which is not designed nor intended to be permanently affixed to a building, other structure, or the ground. A portable sign that only has its wheels removed shall be considered a portable sign.

POSTER SIZE ENCLOSURE SIGN – A metal or plastic frame with or without glass or Plexiglas and which can be secured or locked (not to exceed three foot in length, four foot in height, and five inches in depth (3'X4'X5")), and is affixed to the outside of a building, which permits an individual to insert a paper advertisement into the enclosure for outside display and regularly change out the paper display. It is the intent of the City Council for such poster size enclosure

signs to be similar to the enclosures typically and traditionally used to display movie posters outside of movie theaters.

PREMISES – A lot or tract within La Vernia or its ETJ, and contiguous tracts in the same ownership, which are not divided by any public highway, street, alley, or right-of-way.

RESIDENTIAL AREA – Any property within the city limits which is zoned for residential use. Any unzoned property within the City limits, or any property within the City's ETJ, which is vacant, in any form of agricultural use, on which a residence is the principal use, and any portion within 200 feet of any such property.

RESPONSIBLE PARTY –The owner of the property upon which the sign is located, the lessor of the property, and/or the owner of the sign.

ROOFTOP SIGNS – A sign placed on the roof of a building.

SIGN – Any medium for visual communication or its structure used or intended to attract the attention of the public.

SINGLE COMMERCIAL BUILDING – A structure containing a single commercial establishment, office, business, school, church, non-profit organization, charity, or government agency.

STREET BANNER – A street banner is a banner suspended above a right-of-way.

SUBDIVISION SIGN – Any sign used to advertise a specific subdivision. A temporary sign designed in such a way as to indicate the name and location of the specific community.

TEMPORARY SIGN – Not permanent; signs meant to be exhibited on a limited basis as outlined in the ordinance.

TRAILER SIGN – A permanent or temporary sign affixed to a trailer. The primary purpose of said display is to attract the attention of the public to the subject matter advertised on the sign rather than to serve the customary identification purpose of said trailer.

VARIANCE – Written approval to depart from the strict application of the provisions of this ordinance.

VEHICULAR SIGN – A permanent or temporary sign affixed to a vehicle. The primary purpose of said display is to attract the attention of the public to the

subject matter advertised on the sign rather than to serve the customary identification purpose of said vehicle.

VINTAGE SIGN – A sign that is representative of events or dates from a period older than forty years and is for decorative purposes only.

WALL PAINTED SIGNS – A sign painted directly on the exterior wall of a building.

SECTION 12. EXEMPTIONS FOR CERTAIN TYPES OF SIGNS.

The following are exempt from regulation under this ordinance:

A. Any sign attached to a window or door of a building.

B. Commemorative plaques and historical markers mounted on the face of a building or erected on a site as a free-standing monument sign when placed or approved by a governmental entity, historical society, religious organization, or other nonprofit entity to commemorate a person, event, or other matter of historical interest.

C. Any sign installed or required to be installed by any governmental entity or public utility to give information, directions, or warnings to the general public, regardless of the sign's location on public or private property.

SECTION 13. SIGN PERMITS.

A. Permit and fee required. Except as otherwise provided in this ordinance, no person may construct, reconstruct, place, install, or relocate any sign without first obtaining a sign permit from the City of La Vernia. Changing of the complete sign message, alterations to the sign, or major repairs (replacement of more than twenty (20) percent of the original sign) shall not be considered normal maintenance and will require a permit. Each application for a sign permit must be accompanied by the appropriate fee established by the City.

1. Fees: The permit fee for signs shall be seventy-five dollars (\$75.00) for each sign and shall not be refundable.

2. Fees: The permit fee for Subdivision Temporary Signs , Inflatable Temporary Signs, Banners Temporary signs or New Business Temporary Signs shall be twenty five dollars (\$25.00) and shall not be refundable.

3. No permit will be issued for a proposed sign that will cause the aggregate of all signs on the property to exceed the square footage allowed for in this ordinance.

B. Expiration of Permits. Properly issued permits shall expire as provided by law.

C. Application for Sign Permit. A person proposing to erect or display a sign shall file an application for permit with the City Secretary. The application must be made on a form provided by the City of La Vernia and shall contain and have attached to it the following information:

1. Name, address and telephone number of the applicant;
2. Name, address, telephone number, and firm of person erecting sign;
3. If applicant is not the owner of real property where sign is proposed to be erected, written consent of and name, address, and telephone number of the property owner and a copy of the executed lease agreement;
4. Location of building, structure, address, or legal lot and block to which or upon which the sign is to be attached or erected;
5. A site plan indicating position, height, and size of the proposed sign and other existing advertising structures on the property in relation to nearby buildings or structures, north arrow, and scale of drawing, property lines, curb lines, adjacent streets, alleys, curb cuts, and setback clearance zone;
6. Specifications for the construction and display of the sign;
7. Copy of stress diagrams or plans, when needed, containing information as to safety and structural integrity of sign. The City of La Vernia assumes no liability for safety and structural integrity of any sign;
8. Statement indicating whether the sign will require electricity. If so, the sign must comply with the International Electrical Code or any successor code as may be adopted and amended by the City of La Vernia;
9. Copy of permit approved by Texas Department of Transportation, Texas Transportation Commission, Wilson County, Texas or successor agencies, if state law requires a state permit;
10. Date on which the sign is to be erected or displayed;
11. Any variance that will be requested; and
12. Such other information as the City of La Vernia requests to show full compliance with this and all other standards of the City of La Vernia.

The City of La Vernia is not required to act upon a permit application until it is deemed by the City of La Vernia to be administratively complete.

D. Approval and Denial of Permit. The Code Enforcement Officer shall promptly review an administratively complete application upon receipt and upon payment of applicable fees by the applicant. The Code Enforcement Officer shall grant or deny an administratively complete permit application within forty-five (45) days after the date that the application was administratively complete, including the payment of all fees. The Code Enforcement Officer shall examine the application, plans, and specifications and may inspect the premises upon which the proposed sign shall be erected, as needed. The Code Enforcement Officer shall issue a permit if the proposed sign complies with the requirements of this Ordinance and all other regulations of the City of La Vernia, to include building, electrical, or other similar codes adopted by the City. If the Code Enforcement Officer denies a permit, the Code Enforcement Officer shall state the reasons for the denial in writing and shall mail a certified letter or hand deliver to the applicant stating the reasons for the denial.

Any applicant whose permit application is denied by the Code Enforcement Officer may appeal the denial to the City Council. Such an appeal must be filed, in writing, with the City Secretary, within ten (10) days after receipt of the denial. The City Council shall review the denial and determine if the Code Enforcement Officer incorrectly concluded the proposed sign did not comply with the requirements of this Ordinance and all other regulations of the City of La Vernia. If the Code Enforcement Officer fails to grant or deny any application by the forty-fifth day after the application is administratively complete, the applicant may appeal the refusal to grant or deny the application to the City Council as if it were a denial.

If the City Council does not issue a ruling within thirty (30) days after a written appeal is filed with the City Secretary, the sign application shall be automatically deemed denied.

E. Modifications. After a sign permit has been issued by the Code Enforcement Officer or the City Council, it shall be unlawful to change, modify, alter or otherwise deviate from the terms and conditions of the permit without prior written approval by the Code Enforcement Officer or the City Council.

SECTION 14. GENERAL REGULATIONS.

A. Inventory of Signs - The City of La Vernia shall require an inventory of all signs within the City limits and ETJ. Signs constructed prior to the effective date of this ordinance shall file an inventory form no later than October 25, 2006. Signs which are constructed after October 25, 2006, must file an inventory form with the City Secretary within fifteen (15) days after such sign is fully constructed. As part of the required inventory, each responsible party of the sign(s) shall complete and file the required form with the City Secretary, as to the size, type, condition, and location of sign(s), regardless if the sign(s) are in compliance with this ordinance or any prior ordinances of the City of La Vernia. The responsible

party of a sign shall provide the following information on the inventory form: name, address, and telephone number of the responsible party; location and street address of the building or structure upon which the sign is located or other information necessary to positively identify the location of the sign; specification of the overall height and length of the sign, the material of which the sign is constructed, the position of the sign on the building or on the ground; color photograph or sketch graphically depicting the sign and the location at which or building for which it is displayed; and the date on which the sign was erected and cost of construction of the sign.

B. Identification of signs. All signs shall have the sign permit number affixed.

C. Historic signs existing prior to the effective date of this ordinance that are part of the unique architectural, historic, or scenic characteristics of the building, that enhance its visual character, and that are compatible with the building shall be allowed to remain in place after the effective date of this ordinance.

D. This section shall apply to all signs located within the city limits of the City of La Vernia or its ETJ, with the exception of those referenced in Section 12. No sign or part of a sign shall:

1. Be placed on or attached to any utility pole or pedestal, except by a utility company owning the pole or pedestal or operating facilities mounted on the pole or pedestal;

2. Be placed upon real property without the consent of the property owner;

3. Be located in, on, or over any right-of-way, except for directional or informational signs erected by government agencies. Any such sign, other than informational signs erected by government agencies, shall constitute a nuisance;

4. Be located so that it blocks vehicle or pedestrian views and/or safe sight distances at any intersection, curve, or corner. This includes signs located on private property. Any such sign shall constitute a nuisance;

5. Imitate or resemble an official traffic-control device or railroad sign or signal; attempt to direct the movement of traffic; or hide from view or hinder the effectiveness of an official traffic-control device or railroad sign or signal. Any such sign shall constitute a nuisance;

6. Be placed closer than ten (10) feet to the edge of a road surface. Exception: Monument signs that are placed in the center of a divided road way as an island;

7. Have unreasonably bright flashing lights or other distracting features. This does not include signs with slowly changing messages such as time or temperature;
8. Be located so that it is on, or in any way obstructs, any sidewalk, walkway, or pathway used by the public for normal pedestrian access. Any such sign shall constitute a nuisance; or
9. Be located closer than 10 feet to any power line. Any such sign shall constitute a nuisance.

SECTION 15. SIGNS ALLOWED WITHOUT PERMIT.

The following are exempt from the requirement to obtain a permit, provided that they comply with all other provisions of this and other ordinances of the City of La Vernia. Signs shall be allowed without a permit as follows:

- A.** Signs depicting a single or multi-family residential real property for sale, lease, or rent which are not greater than eight (8) square feet in area.
- B.** Signs depicting residential real property for sale within a subdivision, placed at the entrance of such subdivision, which are erected by the owner of the subdivision which are not greater than thirty-two (32) square feet in area.
- C.** Signs depicting commercial real property for sale, lease, or rent which are not greater than thirty-two (32) square feet in area.
- D.** Signs in residential areas measuring no more than three (3) square feet denoting the name of the residents and the address of the premises.
- E.** Signs denoting the architect, engineer, or contractor that are placed on the premises where construction, repair, or renovation is in progress. Such signs may not exceed sixteen (16) square feet in area or four feet in height. All such signs must be removed within ten (10) days after the completion of the project.
- F.** Garage sale signs which are not greater than six (6) square foot in area, with required garage sale permit from the City.
- G.** Auxiliary Sign - The area of such individual signs shall not exceed eighteen (18) inches square and the aggregate area of all such signs cannot exceed six (6) square feet for any commercial establishment or residence.
- H.** Political Sign. Political signs supporting a candidate for public office may only be displayed during the duration of a campaign. All such signs must be removed within ten (10) days after the election.

Political Sign cannot:

1. Have an effective area greater than thirty-six (36) square feet;
2. Be more than eight (8) feet high;
3. Be illuminated; and
4. Have any moving elements.

I. Daily Promotional Signs and A-Frame signs – Shall be placed out-of-doors during business hours for display and returned indoors during off hours; and

1. Cannot be larger than six (6) square feet;
2. Must not have more than one (1) such sign per business;
3. Must be located on the owned, leased or rented premises of the business advertised; and
4. Placement cannot impede pedestrian or vehicular traffic or interfere with parking.

J. Changeable Copy Sign and Poster Size Enclosure Sign. No permit is required to change the copy on a changeable copy sign, provided the original Changeable Copy Sign was constructed under a valid City of La Vernia permit. No permit is required to change the paper advertisement in a Poster Size Enclosure Sign, provided the original Poster Size Enclosure Sign was constructed under a valid City of La Vernia permit.

K. Event Signs, Off-Site. Off-site Event Signs may be placed only on private property and only with the consent of the owner of the property. No more than five (5) such signs may be used to give directions to the same event. Such signs may not exceed six (6) square feet each, may not be placed more than three (3) days prior to the event, and must be removed within one (1) day after the conclusion of the event.

L. Event Signs, On-Site. On-site Event Signs may not exceed an area of six (6) square feet at a residence or twelve (12) square feet at any other location. Such signs may not be placed more than fourteen (14) days prior to the event and must be removed within one (1) day after the conclusion of the event. There shall be no more than three (3) on-site event signs for any event.

M. Community Service Signs. Community Service Signs may:

1. Be placed only on private property and only with the consent of the owner of the property.

2. Be erected only by a unit of government, school, chamber of commerce, religious organization, or other non-profit agency.

3. The area of a community service sign may not exceed six (6) square feet in a residential area or thirty two (32) square feet in all other areas.

4. A community service sign, other than a Holiday sign/street banner sign, that promotes any particular event may not be erected more than fourteen (14) days prior to the event and all such signs must be removed by the responsible party not more than three (3) days after the event.

5. A community service sign that promotes a weekly occurring event may be erected one (1) day prior to the event and all signs must be removed by the responsible party within one (1) day after the event.

6. Holiday Street Banners – Community service signs which are not advertising in nature and promote a recognized holiday event, provided that such decorations are maintained in an attractive condition, do not constitute a fire, traffic, or pedestrian hazard, are placed no earlier than forty-five (45) days prior to event or celebration, and are removed within fourteen (14) days after the event or celebration has occurred. Street banners must conform to Texas Department of Transportation rules and regulations.

7. Community Service Street Banners – Community service signs representing an event sponsored by a unit of government, school, chamber of commerce, religious organization, or other non-profit agency provided that such signs are maintained in an attractive condition, do not constitute a fire, traffic, or pedestrian hazard, are placed no earlier than fourteen (14) days prior to the event or celebration, and are removed within three (3) days after the event or celebration has occurred. Street banners must conform to Texas Department of Transportation rules and regulations. No more than six (6) street banners may be in place at any one time within the city limits and ETJ. Banners are to be registered with the City Secretary prior to installation with no fee for the registration.

N. Vintage signs which are not advertising a product or service provided by an establishment, or which only advertise a discontinued product or service that is no longer provided by an establishment, shall be allowed without a permit. Such vintage signs shall be for decoration only, be maintained in an attractive condition, and enhance the visual character of the building.

O. Private property traffic directional signs, including but not limited to, signs depicting one-way traffic, entrances, and exits, which are not greater than ten (10) square feet per sign.

SECTION 16. PERMITTING REGULATIONS.

When determining whether to issue a permit the following regulations apply.

A. Signs on property in other than residential areas.

1. Single commercial building.

a. Signs on the façade and each side of a building shall not exceed forty-eight (48) square feet, unless they are certified by a state Registered Professional Engineer as being able to withstand a wind pressure load of at least thirty (30) pounds per square foot and support the weight of the sign.

b. One free standing sign per premises may be permitted that does not exceed fifty (50) square feet in area. The maximum height of such a sign shall not exceed twenty-five (25) feet. If the commercial establishment borders two (2) or more streets then an additional freestanding sign will be permitted on the secondary street.

c. One additional free standing sign not to exceed fifty (50) square feet in area may be permitted for premises with frontages of one hundred and forty (140) feet or more.

d. A premises that displays a monument sign may increase its size to one hundred (100) square feet.

e. A maximum of two Poster Size Enclosure Signs may be permitted on a single commercial building.

2. Commercial complex.

a. Signs on the façade or on the side of a building identifying the complex may not exceed forty-eight (48) square feet, unless they are certified by a state Registered Professional Engineer as being able to withstand a wind pressure load of at least thirty (30) pounds per square foot and support the weight of the sign.

b. Signs on the façade or on the side of a building identifying a business within a commercial complex may not exceed forty-eight (48) square feet.

c. One free standing sign per premises may be permitted that does not exceed one hundred twenty-eight (128) square feet in area. The maximum height of such a sign shall not exceed twenty-five (25) feet. If the commercial establishment borders two (2) or more streets then an additional freestanding sign will be permitted on the secondary street.

d. If the structure of a free standing sign contains or supports more than one (1) sign, then each sign shall be of the same construction.

e. One additional free standing sign not to exceed seventy-five (75) square feet in area may be permitted for premises with frontages of one hundred and forty (140) feet or more.

f. A premises that displays a monument sign may increase its size to one hundred fifty (150) square feet.

B. Temporary Subdivision Signs. Signs announcing the subdivision of land may be erected on the land being developed and shall be removed when eighty (80) percent of the development lots are conveyed or a term not to exceed twenty-four (24) months, whichever comes first, unless the twenty-four (24) month term is extended by the City Council. These signs shall not exceed thirty two (32) square feet of sign area. These signs shall not exceed six (6) feet in height.

C. Temporary Inflatable Signs. Business-related inflatable signs with a volume no greater than twenty-seven (27) cubic feet may be permitted but may not be displayed for more than fourteen (14) days in succession and must be removed no more than three (3) days following any event to which they relate.

D. Temporary Banner Signs:

1. Banners must be kept in good repair throughout the time of their display'

2. No more than one banner may be displayed at any one time at an establishment.'

3. Banners may not exceed eighteen (18) square feet in area;

4. Banners may not be displayed for more than fourteen (14) days in succession and must be removed no more than three (3) days following any event to which they relate. Such banners may not be placed on any site more than two (2) times within a twelve (12) month period;

5. On-premise banners that announce the location or relocation of newly-located or relocated businesses are permitted. The banner may be exhibited during a period of no more than forty five (45) days commencing at the time that the temporary banner permit is issued. Such banners may not exceed eighteen (18) square feet in area; and

6. Banners for commercial purposes may not face a residential area.

E. New Business Temporary Signs: Temporary signs constructed of wood, metal, or other solid material type announcing the locating or relocating of a newly located or relocated business are permitted. The sign shall not exceed forty-eight (48) square feet in area nor be more than eight (8) feet high. The sign shall not be illuminated or have any moving elements. The sign shall be

exhibited during a period of no more than twelve (12) months commencing at the time the temporary sign permit is issued. The sign must be removed within (3) days upon the installation of the permanent sign.

SECTION 17. PROHIBITED SIGN TYPES.

The following signs are prohibited within the City of La Vernia or its ETJ.

A. Abandoned/Obsolete Signs. A sign that advertises a product, service, or business no longer available or in operation or not being maintained for a period of one (1) year after the cessation of a product, service, or business at said location (or in the case of leased premises, two (2) years after the most recent tenant ceases to operate on the premises) shall be presumed abandoned. Related off-premise signs pertaining to same shall also be presumed abandoned.

If a sign is determined to be abandoned and/or obsolete under this ordinance by the Code Enforcement Officer, sign(s) shall be removed by the owner/lessor of the property. The City of La Vernia may agree with the owner/lessor of the sign(s) or sign structure to remove only a portion of the sign(s) or sign structure.

B. Beacons.

C. Billboards.

D. Flashing signs.

E. Home Occupation Signs.

F. Illuminated Signs (illuminated from the exterior or within). Signs that are illuminated in such a manner, to such intensity, or without shielding, so as to constitute a hazard to the operation of motor vehicles upon any public street or road or substantially interferes with the reasonable enjoyment of residential property or interferes with the effectiveness of traffic control.

G. Moving signs.

H. Off-Premise Signs

I. Portable Changeable Copy Signs.

J. Satellite. Any type of satellite dish that's primary use is for advertising, rather than to serve the customary purpose.

K. Trailer Sign.

L. Vehicular Sign. When the vehicle is used with the intent to substitute a stationary sign instead of to be used as vehicle or when a sign is erected in the bed of a truck or on the roof of a vehicle and intended to advertise a business, person, or event. Vehicle signs which are either painted onto the body of the vehicle for advertising purposes or are affixed to the vehicle by magnetic means for advertising purposes are permitted.

M. Wall Painted Signs.

N. Other Signs:

1. Painted on any roof surface or installed so that it faces contiguous residential property;
2. That are placed upon a building or structure in a manner which would disfigure, damage, or conceal any significant architectural feature or detail of the building;
3. That are brighter than necessary to permit the sign to be read from a reasonable distance. No sign shall be illuminated to such intensity or in such a manner as to cause glare or brightness to a degree that it constitutes a traffic hazard;
4. That are hung with less than 7 ½ feet of vertical clearance above the sidewalk or less than eighteen (18) feet of vertical clearance above the street, drive, or parking area. (This applies to any part of a sign, including mounting fixtures and supporting structures, which is mounted above or projects over any sidewalk, street, drive, or parking area, whether on public or private land);
5. Any other signs not specifically authorized under this ordinance.

SECTION 18. SIGN MAINTENANCE AND NUISANCES.

A. All signs must be maintained in a structurally safe condition and in good repair at all times. No permit shall be required for the normal maintenance of any existing sign or repainting of the original sign message, provided that the area of the sign is not enlarged, the height of the sign is not increased, the location of the sign is not changed, and the content of the sign does not materially change. Changing of the complete sign message, alterations to the sign, or major repairs (replacement of more than twenty (20) percent of the sign to the original condition) shall not be considered normal maintenance and will require a permit. All signs shall be kept neatly painted or otherwise maintained, including all metal parts and supports thereof that are not galvanized or of rust resistant material. The Code Enforcement Officer shall inspect and have authority to order the painting, repair, alteration, or removal of a sign that constitutes a nuisance, a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, or obsolescence.

Changing of the sign message (limited to signs originally designed with removable letters) is limited to changing messages without changing the sign or its components and is considered to be normal maintenance.

B. The area around the sign shall be kept clean at all times by cutting vegetation around the sign and the supporting structure.

C. A sign shall constitute a nuisance if it causes injury or threatens to injure the public health, peace, or comfort or is a nuisance per se under the law and is declared to be a nuisance by the Code Enforcement Officer pursuant to this ordinance. The Code Enforcement Officer shall notify, by certified mail or hand delivery, the responsible party of any sign that constitutes a nuisance in order to allow the responsible party the opportunity to cure such nuisance. The responsible party shall cure such nuisance by repair or remove the sign or may seek an appeal of the nuisance determination to the City Council within ten (10) days of receipt of the notice. Any appeal must be filed, in writing, and received by the City Secretary no later than the tenth (10th) day after receipt of the notice of nuisance.

If the responsible party chooses not to take the instructed action or institute an appeal, the City of La Vernia may remove the sign, to the extent necessary to abate the nuisance. The City of La Vernia may charge to the responsible party all costs associated with the sign's removal.

The City of La Vernia may not remove any sign declared to be a nuisance if an appeal of the nuisance determination is pending. If the City Council does not issue a ruling within thirty (30) days after a written appeal is filed with the City Secretary, the Code Enforcement Officer's determination of a nuisance shall be deemed affirmed. Any determination that a sign does not constitute a nuisance does not prejudice the City of La Vernia, foreclose or prevent a later determination a sign is a nuisance.

D. Imminent Hazard. Any sign which in the judgment of the City Council or the Code Enforcement Officer has become an imminent hazard to public health and safety shall be removed by the responsible party without delay. Notice of the existence of the hazard shall specify the maximum time which may be allowed for repairs or removal and the notice may be served upon the responsible party by any means available. A sign which constitutes an imminent hazard and is not repaired or removed within the time specified in the notice may be removed by the City of La Vernia. The City of La Vernia may charge to the responsible party all costs associated with the sign's removal.

E. The cost of removal and impound fees of ten dollars (\$10) a day for the storage of any removed sign shall be charged to the responsible party. If a sign has been removed by the City of La Vernia and the sign remains unclaimed for a period of thirty (30) days, the City of La Vernia may destroy, sell, or otherwise dispose of the sign.

SECTION 19. NON-CONFORMING SIGNS.

A. Nonconforming signs are not transferable to a new owner and may not be transferred to another location within the City of La Vernia municipal limits or ETJ without such signs first being brought into full compliance with all requirements of this Ordinance, including obtaining a properly authorized permit.

B. Removal of Destroyed/Deteriorated Signs. A non-conforming sign shall be considered destroyed if the cost of repairing the sign, after a part of it has been destroyed or deteriorated, is more than 60 percent of the cost of erecting a new sign of the same type at the same location. It shall be the responsibility of the responsible party to supply the City of La Vernia with a quote from a reputable sign company that shows the replacement value and the cost to restore the sign to full compliance upon request by the City Council or the Code Enforcement Officer within fifteen (15) days of said request. If the sign is determined to be destroyed by the City Council or the Code Enforcement Officer, it must be removed by the responsible party without compensation by the City of La Vernia within ten (10) days of the determination. A replacement sign must fully comply with this ordinance and shall require a permit to be obtained from the City of La Vernia at the set fee.

C. All nonconforming signs existing prior to the effective date of this ordinance and that have filed the required inventory form shall be allowed to remain in place without the requirement of a permit provided that they otherwise comply with the twenty (20) percent repair standard, this Section 19 Non-conforming signs, and with:

Section 14. General Regulations; and
Section 18. Sign Maintenance and Nuisances

D. Nonconforming signs existing prior to the effective date of this Ordinance that are of a type that are limited to a specified time period for use in this Ordinance must abide by those specified time periods beginning with the effective date of this Ordinance.

SECTION 20. VARIANCES.

A. Application and Fee Required. Any person, business, or other organization desiring to continue to construct, reconstruct, place, install, relocate, alter, or use any sign which does not conform to the provisions of this Ordinance may make application to the City Council for a variance to the provisions of this Ordinance. The application will be reviewed at the next regularly-scheduled City Council meeting. The application shall be filed with the Code Enforcement Officer, accompanied by the appropriate fee established by City Council, and conform to all requirements established in Section 13 of this Ordinance relating to sign permit applications.

Fee shall be set at one hundred dollars (\$100.00) and shall not be refunded.

B. Requests for Variances after Permit Denial. Within ten (10) days after denial of a sign permit by the Code Enforcement Officer or the City Council, an applicant may file a written request for a variance with the City Council.

C. Action. Unless an extension or postponement is sought by the applicant, the City Council must consider and take action on the written request for a variance within forty-five (45) days of receipt of an administratively complete variance request.

D. Standards for Variances. The City of La Vernia may approve a variance only if it makes affirmative findings, reflected in the minutes of the City Council's proceedings, as to all of the following:

1. The variance will not authorize a type of sign which is specifically prohibited by this ordinance;
2. The variance is not contrary to the goals and objectives outlined by the City of La Vernia;
3. The variance is not contrary to the public interest;
4. Due to special conditions applying to the land, buildings, topography, vegetation, sign structures, or other unique matters on adjacent lots or within the adjacent right-of-way, a literal enforcement of the ordinance would result in unnecessary hardship. Ordinarily, hardship that is self-induced or that is common to other similarly-classified properties will not satisfy this requirement. Financial or economic hardship alone will not ordinarily satisfy this requirement;
5. The spirit and purpose of the ordinance will be observed and substantial justice will be done; and
6. The applicant has not sought a variance from the City Council within the past twelve (12) months.

E. Conditions of Variances. The City Council may impose such conditions or requirements in a variance as are necessary in the City Council's judgment to achieve the fundamental purposes of this Ordinance. A violation of such conditions or requirements shall constitute a violation of this Ordinance. A variance, if granted, shall be for a specific event, use, or other application of a business and shall not continue with the property. If a variance is granted and the sign so authorized is not substantially under construction within three (3) months of the date of approval of the variance, the variance shall lapse and become of no force or effect.

SECTION 21. ENFORCEMENT.

A. Civil and Criminal Penalties. The City of La Vernia shall have the power to administer and enforce the provisions of this ordinance as may be required by governing law. Any person violating any provision of this ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations.

B. Criminal Prosecution. Any person violating any provision of this ordinance shall, upon conviction, be fined a sum not exceeding \$500.00, except that the fine for a violation that relates to fire safety, zoning, or public health and sanitation may not exceed \$2,000.00. Each day that a provision of this ordinance is violated shall constitute a separate offense. An offense under this ordinance is a Class C Misdemeanor.

C. Civil Remedies. Nothing in this ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this ordinance and to seek remedies as allowed by law, including, but not limited to the following:

1. Injunctive relief to prevent specific conduct that violates the ordinance or to require specific conduct that is necessary for compliance with the ordinance; and
2. A civil penalty up to \$250.00 a day, except that a fine for a violation that relates to fire safety, zoning, or public health and sanitation may not exceed \$1,000.00, when it is shown that the defendant was actually notified of the provisions of the ordinance and after receiving notice committed acts in violation of the ordinance or failed to take action necessary for compliance with the ordinance; and
3. Any and all other available relief allowed by law.

D. Removal. In addition to remedies otherwise provided in this ordinance, whenever the City has evidence of a sign which after the effective date of this ordinance was constructed, reconstructed, placed, installed, repaired, maintained, relocated, altered, or used in violation hereof, or is otherwise in violation hereof, the City Council or the Code Enforcement Officer shall require the party responsible for such sign to remove it. If the responsible party fails to remove the sign within 72 hours after being notified to do so or if it appears to the City Council or the Code Enforcement Officer that the sign poses an immediate danger to the public, then such sign may be removed by the City of La Vernia and the City's actual cost of removal shall be charged to the responsible party. Any sign so removed shall be impounded and shall not be returned to the party responsible until all applicable charges are paid. If any sign remains unclaimed for a period of more than thirty (30) days, the City of La Vernia may destroy, sell, or otherwise dispose of the sign.

The City of La Vernia shall have the authority to immediately remove and dispose of signs deemed in violation of this ordinance, if such signs are placed on or attached to trees, utility poles, or pedestals, or located on any public land or public right-of-way. The City of La Vernia may enforce this section without notice and without returning the removed signs to the responsible party.

SECTION 22. MUNICIPAL BOARD OF SIGN CONTROL.

A. CREATION; MEMBERSHIP; COMPENSATION.

1. The Municipal Board of Sign Control may be created by a majority vote of a quorum of the City Council for the City of La Vernia pursuant to the Texas Local Government Code §216.004.
2. The Municipal Board of Sign Control, if created, shall be composed of five persons appointed by the mayor.
3. The Municipal Board of Sign Control shall include persons with the following qualifications:
 - (a) two real estate appraisers registered with the Society of Real Estate Appraisers or the American Institute of Real Estate Appraisers;
 - (b) one person engaged in the sign business in the City of La Vernia;
 - (c) one employee of the Texas Department of Transportation who is familiar with real estate valuations in eminent domain proceedings; and
 - (d) one architect or landscape architect licensed by the state.
4. Members serve for a term of two (2) years.
5. After a member's term expires, the member shall serve until reappointed or replaced by the council.
6. A member may not receive compensation or reimbursement of expenses for service on the Municipal Board of Sign Control.
7. The Municipal Board of Sign Control may be disbanded at any time by a majority vote of a quorum of the City Council for the City of La Vernia.

B. POWERS AND DUTIES. The Municipal Board of Sign Control may exercise the powers granted under Section D below entitled Determination of Compensation.

C. REQUIRED REMOVAL OF CERTAIN SIGNS. The responsible party of a lawfully installed sign type identified by the City Council as a sign type desired to be removed from the municipal limits and ETJ of the City of La Vernia, shall remove the sign if compensation is available and notice is given in accordance with this Ordinance.

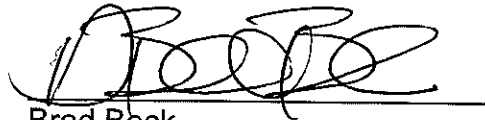
D. DETERMINATION OF COMPENSATION.

1. The Municipal Board of Sign Control shall determine the amount of compensation that the responsible party is entitled to be paid by the City.
2. The Municipal Board of Sign Control may make a determination under Subsection (A) only after a public hearing at which the sign's responsible party has an opportunity to be heard.
3. Notice of the public hearing shall be given to the sign's responsible party, in writing, no later than ten (10) days prior to such public hearing.
4. The Municipal Board of Sign Control may establish rules, procedures, and guidelines consistent with this Ordinance and applicable law to exercise its powers under this section.

E. COMPENSATION APPROVAL; NOTICE; REMOVAL DEADLINE.

1. After the Municipal Board of Sign Control has determined the amount of compensation to which a sign owner is entitled the City Council may approve payment of the compensation by a method authorized by Local Government Code Chapter 216 (Regulation Of Signs By Municipalities).
2. If the requirements of Subsection (1) are satisfied, the City shall notify the responsible party that the compensation is available and will be paid on removal of the sign.
3. With the consent of the responsible party, the City and the responsible party may enter into a written agreement, in lieu of cash payments authorized for compensation, to allow a billboard or portable sign to remain in place for a reasonable amortization period which will allow a responsible party to recoup the compensation authorized by the City Council.
4. The sign's responsible party shall permanently remove the sign not later than the ten (10) days after notice is given if no written agreement for alternate compensation authorized under Subsection (3) is executed.

PASSED AND APPROVED, this, the 17th day of Sept., 2006.

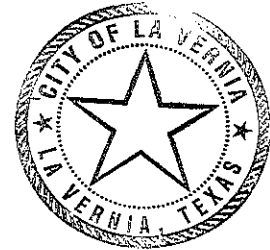


Brad Beck
Mayor
City of La Vernia

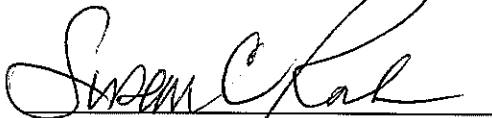
ATTEST:



Nancy Hank
City Secretary
City of La Vernia



APPROVED AS TO FORM:



Susan C. Rocha
City Attorney
City of La Vernia